



EDWARD M. BIRN  
Director (*Direktot*)  
ELIZABETH T. FISHER  
Deputy Director (*Sigundo Direktot*)

**DEPARTMENT OF  
ADMINISTRATION**  
DIPATTAMENTON ATMENESTRASION

DIRECTOR'S OFFICE  
(*Ufisinan Direktot*)  
Telephone (*Telifon*): (671) 475-1101/1250



LOURDES A. LEON GUERRERO  
Governor (*Maga'hága*)  
JOSHUA F. TENORIO  
Lt. Governor (*Sigundo Maga'låhl*)

August 8, 2024

Adam J. Gunkel  
Blair Sterling Johnson & Martinez  
1411 Pale San Vitores Road, Suite 303  
Tamuning, Guam 96913-4232  
Email: [ajgunkel@bsjmlaw.com](mailto:ajgunkel@bsjmlaw.com)

**RE: Freedom of Information Act**

*Buenas yan Håfa Adai* Mr. Gunkel,


We are responding to your Freedom of Information Act (FOIA) request, which was received electronically at 12:17 p.m. on July 26, 2024, regarding the electronic format of the Department of Administration's policy per 5 G.C.A. §22505.

Provided for your review is the digitally extracted information related to your request.

Should you have any additional questions, please do not hesitate to contact me at 671-475-1101 or via email at [foia@doa.guam.gov](mailto:foia@doa.guam.gov).

***Si Yu'os Ma'ase!***

*Senseramente,*



EDWARD M. BIRN  
Director

Attachments



EDWARD M. BIRN  
Director (Direktot)  
ELIZABETH T. FISHER  
Deputy Director (Sigundo Direktot)

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LOURDES A. LEON GUERRERO  
Governor (Maga'håga)  
JOSHUA F. TENORIO  
Lt. Governor (Sigundo Maga'låhi)

July 31, 2024

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**Re: Freedom of Information Act**

*Buenas yan Håfa Adai Mr. Gunkel,*

We are in receipt of your request for information dated July 26, 2024. Due to the extensive information requested, our office is invoking a ten (10) day extension as provided for in 5 GCA 10103(e). By virtue of this extension, *any and all documents requested and identified may be provided as requested by the close of business on Friday, August 9, 2024.*

***Si Yu'os Ma'ase!***

*Senseramente,*

ELIZABETH T. FISHER  
Acting Director

July 26, 2024

**VIA E-MAIL**

**RE: REQUEST FOR PUBLIC RECORDS PURSUANT TO SUNSHINE  
REFORM ACT OF 1999 5 G.C.A. § 10101 *et. seq.***

Edward Birn, Director of Department of Administration

VIA  
DOA FOIA Request Email  
[foia@doa.guam.gov](mailto:foia@doa.guam.gov)

Dear Director Edward Birn:

Pursuant to the Sunshine Reform Act of 1999 5 G.C.A. § 10101 *et seq.*, we hereby request copies of the following:

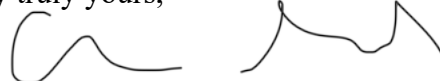
- The current rules and regulations promulgated by that agency pursuant to 5 G.C.A. § 22505.

This electronic mail request for public records must be treated the same as a paper or oral request for records. The same deadlines apply to this request as do to paper and oral requests. *See* 5 G.C.A. § 10104(a).

Please provide the response electronically.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Very truly yours,



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Adam J. Gunkel  
BLAIR STERLING JOHNSON & MARTINEZ  
A Professional Corporation

**5 GCA GOVERNMENT OPERATIONS  
CH. 22 GENERAL FISCAL POLICIES AND CONTROLS**

**CHAPTER 22  
GENERAL FISCAL POLICIES AND CONTROLS**

- Article 1. Funds Management.
- Article 2. Central Accounting.
- Article 3. Regulation of Federal Expenditures.
- Article 4. Regulation of Local Expenditures.
- Article 5. Interest on Late Payments by the Government.**
- Article 6. Contracts.
- Article 7. General Property Control.
- Article 8. Tax Refund Bonds.
- Article 9. Rainy Day Fund.
- Article 10. Limited Obligation Infrastructure Improvement Bonds.
- Article 11. Human and Health Services Fund.
- Article 12. Reserve Fund for Non-participating Tobacco Manufacturers.
- Article 13. Securitization of Tobacco Settlement Payments.
- Article 14. Compact Impact Grant Anticipation Bonds.
- Article 15. Indirect Cost Fund.
- Article 16. Supplemental Appropriations Revenue Fund.
- Article 17. Opioid Prevention and Treatment Act.

**ARTICLE 1  
FUNDS MANAGEMENT**

- § 22101. Treasurer of Guam.
- § 22101.1. Monthly Disbursements to Public Schools System's School District. [Repealed]
- § 22102. Treasurer's Bond.
- § 22103. Official Title of Treasurer.
- § 22104. Warrants.
- § 22105. Claims for Loss of Government Funds.
- § 22106. Payment of Claims for Loss.
- § 22107. Transmittal of Claim-related Documents.
- § 22108. Revolving Funds.
- § 22109. Reports on Fund Conditions.
- § 22109.1. On-line Electronic Access to Bank Account Information.

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be temporarily lifted in the event *I Maga'håga* (the Governor), the President of the United States, or *I Liheslatura* (the Legislature) by vote of a majority of its Members declares Guam to be in a state of emergency or any similar designation.

**SOURCE:** Added by P.L. 29-113:VI:23 (Sept. 30, 2008), entitled "General Fund Appropriations Cap." Amended and renamed by P.L. 35-036:XII:26 (Sept. 4, 2019).

**§ 22437. Approval of Financial Agreements or Arrangements.**

Any financial agreement or arrangement between the government of Guam with any bank, private banking firm, brokerage firm, bond brokerage firm, or similar financial institutions which uses, pledges, or arbitrages any government revenue, trust funds, debt service payment deposits with trustees, bond proceeds, or interests on any of these, *not* specifically authorized by existing statute authorizing the issuance or refinancing of bonds, *shall* require legislative approval; and any income generated from such financial agreement and arrangement *shall* require legislative appropriation.

**SOURCE:** Added as uncodified law by P.L. 32-068:XII:19 (Sept. 11, 2013), codified to this section by the Compiler and stricken pursuant to P.L. 32-181:XIII:19 (Sept. 5, 2014). Added by P.L. 33-066:XII:21 (Sept. 5, 2015).

**§ 22437. Timing of Municipal Lease Payments.**

For the budget act period of Fiscal Year 2018, and for each subsequent budget act period thereafter, executive branch agencies of the government of Guam shall amortize payments for each municipal lease into equal monthly installments throughout the fiscal year; provided, that any such amortization schedule for its respective municipal lease does not contravene the provisions of any indenture such that it would cause default or any other negative impact to the credit rating of the government of Guam.

**SOURCE:** Added by P.L. 34-035:2 (July 13, 2017).

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**ARTICLE 5**

**INTEREST ON LATE PAYMENTS BY THE GOVERNMENT**

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**SOURCE:** The Prompt Payment Act was enacted by P.L. 18-040:25-26.

- § 22501. Title: Prompt Payment Act.
- § 22502. Definitions.
- § 22503. Interest Penalties.
- § 22504. Limitation on Discount Payments.
- § 22505. Rules and Regulations.
- § 22506. Claims: Relation to Other Laws.
- § 22507. Legislative Oversight.

**§ 22501. Title: Prompt Payment Act.**

Sections 22502-22507 of this Article may be cited as the Prompt Payment Act.

**§ 22502. Definitions.**

As used in this Article:

(a) Government agency means a department, agency, bureau or instrumentality of the Executive Branch of the government of Guam.

(b) Business means a business as defined in Subsection (c) of § 16002 of the Government Code.

(c) Food product means meat and meat products, fish and shellfish, edible fresh or frozen poultry, poultry meat products, fresh eggs and perishable egg products.

(d) Perishable agricultural commodity means groceries, vegetables, fresh fruit and other perishables.

**§ 22503. Interest Penalties.**

(a) Each government agency which receives property or services from a business but which does not make payment for each such complete delivered item of property or service by the required payment date, shall pay an interest penalty to such business on the amount of the payment which is due as specified in this Article.

(b) Interest penalties on amount due to a business under this Article shall be paid to the business for the period beginning on the day after the required payment date and ending on the date on which payment of the amount due is made, except that no interest

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penalty shall be paid if payment for complete delivered item of property or service is made on or before the fifteenth day after the required payment date, in the case of a food product; or the thirtieth day after the required payment date in the case of a perishable agricultural commodity; or the forty-fifth day after the required payment date, in the case of any other item. Interest shall be computed at the same interest rate assessed on unpaid income taxes owed by taxpayers.

(c) Any amount of an interest penalty which remains unpaid at the end of any thirty-day period shall be added to the principle amount of the debt and thereafter interest penalties shall accrue on such added amount.

(d) There is hereby authorized to be appropriated such sums as are necessary for the payment of interest penalties required by this Section.

**§ 22504. Limitation on Discount Payments.**

(a) If a business offers a government agency a discount from the amount otherwise due under a contract for property or services in exchange for payment within such specified period of time, the government agency may make payment in an amount equal to the discounted price only if payment is made within such specified period of time.

(b) Each government agency which violates Subsection (a) of this Section shall pay an interest penalty on any amount which remains unpaid in violation of that Subsection. Such interest penalty shall accrue on such unpaid amount in accordance with regulations prescribed pursuant to § 22505 of this Article except that the required payment date for such unpaid amount shall be the last day of the specified period of time described in Subsection (a) of this Section.

**§ 22505. Rules and Regulations.**

The Director of the Department of Administration shall promulgate rules and regulations in accordance with the Administrative Adjudication Law and this Article. Such regulations shall specify:

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(a) that for any property or services not covered by items (b), (c) and (d) of this Section, the required payment date shall be the date on which payment is due under the terms of the contract for the provision of such property or service; or, if a specific date on which payment is due is not established by contract or by items (b), (c) and (d) of this Section, thirty (30) days after receipt of a proper invoice for the amount of the payment; and

(b) in the case of an acquisition of food product, a required payment date which is not later than fifteen (15) days after the date of delivery of such food product; and

(c) in case of an acquisition of a perishable agricultural commodity, a required payment date; and

(d) in the case of a contract under which property or services are provided in a series of partial executions or deliveries, to the extent that such contract provides for separate payment for such partial execution or delivery, such separate payment dates shall be the required payment dates; and

(e) a requirement that, within fifteen (15) days the date on which an invoice is received, that a government agency notify the business of any defect or impropriety in such invoice which would prevent the running of the time period specified in items (a), (b), (c) or (d) of this Section.

**§ 22506. Claims: Relation to Other Laws.**

(a) Claims for interest penalties which a government agency has failed to pay in accordance with the requirements of § 22503 or § 22504 of this Chapter may be filed under statutes governing contract disputes with the government of Guam.

(b) Interest penalties under this Article shall not continue to accrue after the filing of a claim for such penalties, or for more than one (1) year, whichever comes first.

(c) Except as provided in § 22504 of this Article regarding disputes concerning discounts, this Article shall not be construed to require interest penalties on payments which are not made by the required payment date by reason of a good faith dispute

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between a government agency and a business over the amount of that payment or other allegations concerning compliance with a contract. Claims concerning any such dispute, and any interest which may be payable for the period while the dispute is being resolved, shall be subject to appropriate statutes governing contract disputes with the Government.

**§ 22507. Legislative Oversight.**

(a) Each government agency shall file with the Legislature a detailed report of any interest penalty payments made pursuant to this Article during the preceding fiscal year.

(b) The report required by Subsection (a) of this Section shall include the number, accounts, frequency of interest penalty payments and the reasons such payments were not avoided by prompt payment and shall be delivered to the Legislature within sixty (60) days after the conclusion of each fiscal year.

(c) The Director of the Department of Administration shall submit a report to the Legislature on government agency compliance with the requirements of this Article within one hundred twenty (120) days after the conclusion of each fiscal year.

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**ARTICLE 6**  
**CONTRACTS**

- § 22601. Execution of Contracts.
- § 22602. Copy of Contracts to Dept. of Administration.
- § 22603. Contracts & Purchase Orders for Next Fiscal Period.
- § 22604. Contracts with U.S. for Services.

**§ 22601. Execution of Contracts.**

All contracts shall, after approval of the Attorney General, be submitted to the Governor for his signature. All contracts of whatever nature shall be executed upon the approval of the Governor.

**SOURCE:** GC § 6107.

**CROSS-REFERENCES:** For execution of contracts made pursuant to the Procurement Law, see 5 GCA § 5121.